

Applicants respectfully traverse the rejection of claims 1 and 2 (as well as 7-8, 16-17, 22-23, 27-41 & 45, which are all dependent from claim 1, with at least claims 7-8, 11, 16 & 17 being also dependent from claim 2), as being anticipated by or obvious from Hoshino (US2002/0111918).

As an initial matter, the examiner's multiple references to "p.2, 3 to p.3, 33 and 36-37" of the Hoshino reference are not understood. Paragraph [0003] appears on page 1 and is concerned with "Background Art", not Hoshino's purported invention. Page 2 includes only paragraphs [0014] through [0028].

As to claim 1, assuming that the examiner is reading the recited "payer" on the customer possessing Hoshino's customer IC card and is reading the recited "payee" on the store in which Hoshino's electronic wallet transaction apparatus 1,4,5 is located (see also p2 , [0071]-[0075]), there is no teaching or disclosure of any "financial institution", let alone a specific account at that institution for the payer. Indeed, one of Hoshino's stated objectives is to "provide services with high secrecy and security" [p , 0137]. Moreover, note that Hoshino states at p6,[0089] that his invention "can be implemented without configuring a large-scale on-line network". Thus, rather than using networks to attach to remote accounts at remote institutions to thereby provide a remote payment system capable of conducting remote transactions, Hoshino actually teaches a self-contained system that requires no such institutions or accounts, and lacks any suggestion of "opening a remote payment system account for the payer" and that "the payer logs into the remote payment system to conduct a remote transaction", as expressly recited in claim 1. Also note that Hoshino states (p1, [001]) that "electronic wallet transaction is carried out on the spot in real time".

No detail is provided as to the nature of Hoshino's "connection apparatus 7", other than it "transfers electronic currency \*\*\* stored in the customer IC card 2 to a third party customer IC card 8, and vice versa" (p6, [0090]). As shown in Hoshino's drawings, "connection apparatus 7" appears to be a stand alone transaction device which can be mechanically and electrically directly connected to customer IC card 2 and to third party

customer IC card 8. In any event, even if IC card 8 is considered the payee and IC card 2 the payer (or vice versa), there is no suggestion that the payer should “enter the payee’s name, identification information, and transaction amount”, or that the payee should “insert a machine-readable official identification card and enter an assigned transaction identification number”, as expressly recited in claim 1.

Moreover, there is no express teaching that any of Hoshino’s disclosed apparatus can “issue a cash payment”, and indeed Hoshino’s reference to “electronic currency” would appear to be a teaching away from the use of “cash” as a payment instrument. Indeed, Hoshino states at p2, [0004] that “an electronic means substitutes for a traditional procedure of payment to the opposite party by handing over cash out of a wallet”.

Furthermore, as to claim 2, there is nothing to suggest that the holder of Hoshino’s “customer IC card 2” should “submit a machine-readable official identification card prior to the opening of said remote payment system account” or that the remote payment system account will be opened “only if embedded identification information read from the payer’s identification card matches the account holder information of the financial account identified by the payer”.

Indeed with respect to both claims 1 and 2, there is absolutely no suggestion of any “official identification card” anywhere in Hoshino. To the contrary, the only means provided for verifying the identity of any person using Hoshino’s disclosed IC cards 2,3,8 is “personal identification number (PIN) 47” stored in the IC card’s nonvolatile RAM (see paragraphs [0003], [0142] [0149], [0174], [0235], [0237], [0262], [0278], and [0318]).

Finally, even assuming arguendo that Reece (US 2003/0150915) does provide an enabling disclosure (which Applicants respectfully dispute) of a “government-issued identification card” that is included within an otherwise conventional IC card, it is clear that neither Hoshino nor Reece nor Hoshino in view of Reece disclose any mechanism for effecting cash payments from a payer’s account at a financial institution to a payee at a remote payment system terminal. Moreover, despite the examiner’s assertion to

the contrary, there is not even a hint in either reference of any escrow agent (claims 26 and 35).

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0337, under Order No. 7443-102XX/10310539.

Respectfully submitted,

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